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Kiribati

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee against Torture invited Kiribati to consider ratifying the core international human rights treaties to which it was not yet a party, namely the International Covenant on Civil and Political Rights.² The Committee on the Rights of the Child also recommended that Kiribati consider ratifying the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.³

3. The Committee against Torture recommended that Kiribati consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴

4. The same Committee encouraged Kiribati to consider making the declaration under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recognizing the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claimed to be victims of a violation by Kiribati of the provisions of the Convention.⁵

5. The Committee on the Elimination of Discrimination against Women encouraged Kiribati to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept the amendment to article 20 (1) of the Convention on the Elimination of All Forms of Discrimination against Women concerning the meeting time of the Committee.⁶



6. The United Nations country team and the United Nations High Commissioner for Refugees (UNHCR) recommended that Kiribati accede to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.⁷

7. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Kiribati ratify the Convention against Discrimination in Education.⁸

8. The Committee against Torture invited Kiribati to issue a standing invitation to the special procedure mandate holders of the Human Rights Council.⁹

III. National human rights framework

1. Constitutional and legislative framework

9. The same Committee expressed concern that Kiribati had not yet incorporated into its criminal legislation the obligations under the Convention against Torture, including a definition of the crime of torture that was in line with article 1 of the Convention and substantive provisions that ensured compliance with all of the Convention's substantive requirements, including the obligation to make acts of torture punishable by appropriate penalties which took into account their grave nature.¹⁰

10. The same Committee expressed concern about the lack of clarity regarding possible conflicts between customary law, on the one hand, and statutory law and common law, on the other hand, and about the effects any such conflicts might have on compliance with the provisions of the Convention against Torture. It recommended that Kiribati take appropriate steps to ensure that there was no possibility that exceptions to the absolute prohibition against the crime of torture under the Convention would be recognized.¹¹

11. The Committee on the Elimination of Discrimination against Women recommended that Kiribati, in collaboration with relevant partners, including civil society and faith-based organizations, review all discriminatory laws, in particular customary laws related to the participation of women in decision-making bodies at all levels, including the community councils, as well as the Native Lands Ordinance, chapter 16, on inheritance rights, the Citizenship Act and the Constitution.¹² The Committee on the Rights of the Child recommended that Kiribati continue to review its existing laws related to children's rights to ensure that they were in full compliance with the principles and provisions of the Convention on the Rights of the Child and allocate appropriate human, technical and financial resources for their implementation.¹³

2. Institutional infrastructure and policy measures

12. The Committee against Torture recommended that Kiribati consider establishing an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with a mandate that included the promotion and protection of the rights enshrined in the Convention against Torture.¹⁴ The Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women made similar recommendations.¹⁵

13. The Committee on the Rights of the Child welcomed the establishment of the Kiribati National Human Rights Task Force, in 2015, to coordinate and prepare reports to international human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and the decisions emanating from such mechanisms. It recommended that Kiribati ensure that the Task Force had the mandate and the adequate human, technical and financial resources to effectively carry out those tasks and emphasized that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.¹⁶

14. The same Committee recommended that Kiribati: increase the budget allocations for the implementation of all legislation, policies, plans and programmes related to children, in all relevant sectors; take a child rights-based approach in the elaboration of the State budget

by setting up a tracking system for the allocation and use of resources for children throughout the budget; and increase budgetary resources designated as specifically for children to the maximum extent possible, in accordance with article 4 of the Convention on the Rights of the Child, and thereby take measures to reduce reliance on foreign assistance.¹⁷

15. The Committee against Torture recommended that Kiribati: develop mandatory initial and in-service training programmes to ensure that all public officials, in particular law enforcement officers and prison staff, were acquainted with the provisions of the Convention against Torture, especially the absolute prohibition of torture, and that they were made fully aware that violations would not be tolerated and would be investigated and that those responsible would be prosecuted and, if convicted, appropriately punished; ensure that all relevant staff, including judges, prosecutors and medical personnel, were specifically trained to identify cases of torture and ill-treatment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised; and develop and apply a methodology for assessing the effectiveness of educational and training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts and the prosecution of those responsible.¹⁸

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

16. The United Nations country team recommended that Kiribati: revitalize efforts to revise the Constitution to guarantee protection from discrimination on the basis of gender, gender identity and expression and sexual orientation; and take action to decriminalize consensual sexual relations between adults of the same sex.¹⁹

17. The Committee on the Elimination of Discrimination against Women recommended that Kiribati: ensure that women had equal rights to land use, ownership and inheritance by amending the Native Lands Ordinance and repealing discriminatory customary law provisions on women's access to land; conduct systematic training and awareness-raising activities with community leaders, judges, including lay judges, and magistrates to uphold women's land rights; and ensure the full and meaningful participation of women in the negotiation of agreements on land leasing and use and ensure that their livelihoods were not negatively affected by such agreements.²⁰

18. The Committee on the Rights of the Child recommended that Kiribati take active measures to end all forms of discrimination against children, in particular children living in marginalized and disadvantaged situations, including children living in poverty, girls and children with disabilities.²¹

2. Right to life, liberty and security of person, and freedom from torture

19. The Committee against Torture urged Kiribati: to intensify its efforts to improve conditions of detention and alleviate overcrowding in penitentiary institutions, including through the application of non-custodial measures; to guarantee that the basic needs of persons deprived of their liberty were satisfied, including with regard to food, ventilation, hygiene and sanitation, and healthcare, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules); to ensure that pretrial detainees were separated from convicted prisoners, including in women's prisons, and that in all places of detention, minors were separated from adults; to provide specific budget projections for the policy on prison reform and implementing plans for the construction, remodelling and expansion of detention centres while ensuring that hygiene and health conditions, food supplies and access to drinking water were adequate, including by continuing its work with international partners to identify and address areas of priority concern, as appropriate; to ensure that there were sufficient suitable medical personnel,

materials and medicines and that detainees had access to a medical examination as soon as possible after entry into the facility and as often as necessary thereafter so that health needs, infectious diseases and possible cases of ill-treatment could be identified; and to increase detainees' access to rehabilitation and social reintegration programmes.²²

20. The same Committee recommended that Kiribati: establish an effective, independent national system to monitor and inspect all places of deprivation of liberty and follow up on the outcome of such systematic monitoring; and ensure that monitoring bodies, including non-governmental organizations, with a mandate to visit places of deprivation of liberty were able to carry out independent, unhindered and unannounced inspection visits to all places of deprivation of liberty in the country and to speak confidentially to all detained persons.²³

3. Administration of justice, including impunity, and the rule of law

21. The United Nations country team recommended that Kiribati take all measures necessary to ensure the independence of the judiciary and the tenure of judges.²⁴ The Special Rapporteur on the independence of judges and lawyers expressed concern about a decision by the parliament to remove a High Court judge, David Lambourne, urging the Government to respect the independence of the judiciary.²⁵

22. The Committee against Torture recommended that Kiribati ensure that all persons who were arrested were afforded, in law and in practice, all fundamental legal safeguards against torture from the very outset of their deprivation of liberty. That included their rights to be informed of the reason for their arrest and the charges against them, to be assisted by a lawyer, without delay, particularly during the investigation and interrogation stages, and, if applicable, be provided with free legal aid, to request and receive an independent medical examination, to immediately notify a family member or any other person of their choice of their detention and whereabouts, to be brought before a judge without delay, and to have effective remedies for challenging the lawfulness of their detention.²⁶

23. The same Committee expressed regret at the absence of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment perpetrated by law enforcement and prison personnel, as well as on deaths in custody, extrajudicial killings and sexual and gender-based violence, including domestic violence.²⁷

24. The same Committee recommended that Kiribati: carry out prompt, impartial and effective investigations into all allegations of torture and ill-treatment, including excessive use of force by law enforcement officials, and ensure that those suspected of having committed such acts were immediately suspended from their duties throughout the period of investigation, while ensuring that the principle of presumption of innocence was observed; prosecute persons suspected of having committed torture or ill-treatment and, if they were found guilty, ensure that they received sentences that were commensurate with the gravity of their acts and that the victims were afforded appropriate redress and rehabilitation in a timely manner; ensure that detainees were provided with access to professional and confidential medical assistance, that all injuries sustained by detainees were meticulously recorded in specially designated registers and that all relevant staff, including medical personnel, prosecutors and judges, were specifically trained to identify, document and investigate cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised; and compile and publish statistics on the number of investigations and prosecutions carried out, convictions handed down and penalties imposed in cases of torture or ill-treatment.²⁸

4. Fundamental freedoms and the right to participate in public and political life

25. The United Nations country team recommended that Kiribati: ensure that any restrictions on freedom of expression, association and assembly were necessary, proportionate and clearly defined in law; and establish transparent and accountable processes for evaluating the necessity and appropriateness of restrictions, with opportunities for independent review and appeal.²⁹ UNESCO recommended that Kiribati decriminalize defamation, and place it within civil defamation legislation that was in accordance with international standards.³⁰

26. The Committee on the Rights of Persons with Disabilities requested Kiribati to provide information on: measures to ensure that persons with disabilities could exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others; and measures to address the existing challenges to encourage mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities.³¹

27. The Committee on the Elimination of Discrimination against Women recommended that Kiribati adopt temporary special measures, including statutory quotas for the representation of women in the parliament and the Government, to achieve substantive equality of women and men in all areas in which women were underrepresented or disadvantaged.³² It also urged Kiribati: to strengthen its awareness-raising activities on the importance of women's participation in political life, especially in decision-making positions, ensure access to campaign financing and conduct training on political campaigning and leadership skills for women who wished to stand for election or hold public office; and to adopt a law on gender parity with a view to achieving equal representation of women in all areas of political and public life, including in the parliament, the Government and the community councils.³³

5. Right to privacy

28. The Committee on the Rights of Persons with Disabilities requested Kiribati to provide updated information on measures taken to adopt legislative and policy measures to ensure the right of persons with disabilities to respect for privacy, as well as on measures taken to protect the privacy of the personal, health and rehabilitation information of persons with disabilities in all settings, on an equal basis with others, sanction any violations and provide remedies.³⁴

6. Right to marriage and family life

29. The Committee on the Elimination of Discrimination against Women urged Kiribati: to adopt a family law to uphold equality in marriage and family relations, including with regard to child custody and the equal rights of women and men to the ownership and inheritance of land and other marital property; and to strengthen campaigns to raise awareness among religious and traditional leaders and the population in general, including on the outer islands, of the negative effects of discriminatory customary laws.³⁵

30. The Committee on the Rights of the Child expressed concern about: the fact that the Child Support Fund had still not been set up; the unequal division of parental responsibilities, with mothers traditionally viewed as responsible for raising children; the fact that there were no day-care centres; and the fact that the maternity leave entitlement was only for two births per mother.³⁶ The Committee on the Elimination of Discrimination against Women urged Kiribati to adopt a comprehensive strategy, including awareness-raising programmes, aimed at women and men at all levels of society, including religious and traditional leaders, to eliminate discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family and society, and regularly monitor and review measures taken in that regard.³⁷

7. Prohibition of all forms of slavery, including trafficking in persons

31. The Committee on the Elimination of Discrimination against Women expressed concern about reports of girls and women engaged in prostitution (known as *ainen matawa*), in particular on foreign fishing vessels, who were at risk of sexually transmitted infections and unwanted pregnancies. It also noted with concern that domestic trafficking in persons was not criminalized. It recommended that Kiribati: strengthen its measures under the Kiribati Family Health Association to provide girls and women in prostitution with access to sexual and reproductive health services, including modern contraceptives, as well as other support services, educational opportunities and alternative income-generating opportunities, and provide exit programmes for women in prostitution; establish mechanisms to monitor the implementation of the Penal Code and enforce the law against those who facilitated and benefited from the exploitation of girls and young women in prostitution, including ship's captains and bar and hotel owners, and criminalize domestic trafficking in persons in line

with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; address the root causes contributing to the exploitation of girls and young women in prostitution, including patriarchal control and domestic violence, lack of access to secondary education and poverty, especially on the outer islands.³⁸

32. The Committee on the Rights of the Child expressed concern that commercial sexual exploitation of children, in particular girls, was increasing and that there were no formal procedures to identify children who were victims of trafficking and no information on cases against traffickers. It also expressed serious concern about reports of trafficking of girls for the purpose of sexual exploitation in prostitution, including on foreign fishing vessels.³⁹

33. The same Committee urged Kiribati to take all measures necessary to eliminate child marriage in practice and raise awareness of the harmful effects of child marriage on the physical well-being and mental health of girls.⁴⁰ The United Nations country team made a similar recommendation.⁴¹

8. Right to work and to just and favourable conditions of work

34. The Committee on the Elimination of Discrimination against Women recommended that Kiribati: strengthen the support provided to working women with children by significantly increasing their payment during maternity leave, eliminating any restrictions on women's choice as to when they took their maternity leave, provide nursing spaces and day-care centres and introduce paid paternity leave; allocate the resources necessary to implement the decent work country programme agreed upon with the International Labour Organization and support women's transition from informal to regular paid employment; ensure that women could work in the fishing industry on equal terms with men and that community work was shared equally between women and men; introduce a complaint mechanism for cases of unequal pay, preferential treatment of men and sexual harassment in the workplace; and collect statistical data on employment relations disaggregated by sex.⁴²

9. Right to social security

35. The same Committee recommended that Kiribati ensure access for women in the informal sector to the social security system and develop coordinated social protection and compensation programmes for those women.⁴³

36. The Committee on the Rights of the Child recommended that Kiribati: establish a functioning social welfare service and a network of services for children; provide temporary, safe care alternatives and establish a system of foster care for children who could not stay with their families; provide all necessary social welfare services and support to extended families and alternative care providers; establish quality standards for all available forms of alternative care options and take children's views into consideration in any decision about alternative care; and ensure the periodic review of the placement of children in all alternative care settings and monitor the quality of care therein.⁴⁴

10. Right to an adequate standard of living

37. The same Committee expressed concern about the impact of poverty on children, in particular in South Tarawa. It recommended that Kiribati ensure that children and their families who were living in poverty, in particular in South Tarawa, received adequate financial support and free, accessible services.⁴⁵

38. The United Nations country team recommended that Kiribati improve access to essential resources such as food, water and housing, with a focus on rural areas to mitigate climate change vulnerabilities.⁴⁶

11. Right to health

39. The United Nations country team recommended that Kiribati: strengthen primary healthcare delivery by upskilling staff, improving facilities and enhancing access to sustainable energy, water, sanitation and healthcare waste management; and implement

measures to improve the retention of senior healthcare staff and develop long-term human resource plans.⁴⁷

40. The Committee on the Rights of the Child noted that it remained concerned about: the still high mortality rates among infants and children under 5 years of age, due to preventable causes such as diarrhoea, respiratory infections, malnutrition, iron and vitamin A deficiency and worm infestation; the underlying causes of child mortality and illness related to poverty, lack of family planning, poor diet and limited access to improved water and sanitation facilities; the high prevalence of non-communicable diseases, such as diabetes, among children, exacerbated by the high levels of obesity; the insufficient access to healthcare and mental healthcare services for children, including primary and preventive healthcare, in particular for children living in the remote outer islands and in poorer households; the significant disparities in immunization coverage rates; and the unhealthy diet and insufficient nutritional intake among children.⁴⁸

41. The same Committee also expressed concern about: the high rates of teenage pregnancy and sexually transmitted infections among adolescents; the limited access to safe reproductive and sexual healthcare services, education and contraceptives, especially in the outer islands, due to the limited supply, cultural attitudes and fear of stigmatization; the criminalization of abortion in all cases except where the life of the pregnant girl was at risk; and the prevalence of substance abuse among adolescents and the lack of enforcement of laws prohibiting the sale of alcohol to children.⁴⁹

42. The Committee on the Elimination of Discrimination against Women urged Kiribati: to conduct awareness-raising activities for the general population and target groups, in particular religious and community leaders and politicians, aimed at combating the negative impact of traditional or religious narratives on women's sexual and reproductive health and rights; to promote, at all levels of the education system, age-appropriate education on sexual and reproductive health and rights, including responsible sexual behaviour and the use of modern contraceptives, and youth-friendly family planning services to prevent unwanted teenage pregnancies and sexually transmitted infections; to adopt a national plan to promote access to modern contraceptives and ensure that girls and women, including those with disabilities, had access to confidential sexual and reproductive healthcare services and information; and to amend chapter 67 of the Penal Code to legalize abortion in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment, and decriminalize it in all other cases.⁵⁰

12. Right to education

43. The same Committee expressed concern that, in post-secondary and tertiary education, women's attainment was significantly lower than that of men and that girls and women were overrepresented in traditionally female-dominated fields of study and career paths. It also expressed concern about the insufficient measures to support pregnant girls and women and young mothers in continuing their education.⁵¹

44. The Committee on the Rights of the Child recommended that Kiribati: continue towards the adoption and implementation of the Child Protection Code of Conduct for School Staff and the school anti-bullying policy; enhance efforts to remove the hidden cost of education, improve the physical accessibility and quality of education throughout the country, including by allocating adequate human, financial and technical resources and improving school equipment, infrastructure and learning materials, placing particular emphasis on the outer islands; ensure that all girls and boys, especially those in the rural areas and the outer islands, did not drop out of school and that they completed high-quality primary and secondary education; take measures to keep pregnant girls and adolescent mothers in mainstream schools by providing the necessary support, including counselling in parenting skills and childcare facilities; and expeditiously implement the Early Childhood Care and Education Act of 2017, formally register preschools and adopt an effective national policy on early childhood care and education, in particular ensuring that educators, especially preschool teachers, received systematic and appropriate in-service training.⁵²

13. Cultural rights

45. UNESCO encouraged Kiribati to facilitate participation in cultural life by communities, practitioners, cultural actors and civil society organizations, and by vulnerable groups, including minorities, Indigenous Peoples, migrants, refugees, young people and persons with disabilities.⁵³

14. Development, the environment, and business and human rights

46. The Committee on the Elimination of Discrimination against Women urged Kiribati to recognize women as the driving force of its sustainable development and to adopt relevant policies and strategies to that effect.⁵⁴

47. The Committee on the Rights of the Child expressed concern about: the increasingly adverse impact of global climate change and natural disasters, such as seawater flooding and the salinization of drinking water, on the rights of the child, including to life, survival and development, health, adequate housing and safe drinking water and sanitation; the lack of research, information-sharing and awareness-raising regarding the effects of climate change that specifically focused on children; the limited participation of children in public discussions and the preparation of adaptation strategies, including concerning climate-related migration; and the increasing climate-sensitive health risks faced by children, such as vector-borne, water-borne and food-borne diseases.⁵⁵

48. The Committee on the Elimination of Discrimination against Women urged Kiribati: to ensure the participation of women, including disadvantaged groups of women, in the implementation of climate change and disaster risk management initiatives; to take measures to address the impact of climate change specifically on women's access to resources and livelihoods to ensure that they were not disproportionately affected; review the "Migration with dignity" policy and comparable schemes to ensure greater participation of women in employment opportunities abroad and respect women's agency and their mobility choices.⁵⁶ The United Nations country team recommended that Kiribati ensure that all health facilities worked towards becoming green and climate-resilient, utilizing sustainable energy, improving healthcare waste management and preparing for disease patterns affected by climate change.⁵⁷

49. The Committee on the Rights of the Child recommended that Kiribati: examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises, in particular in the fishing industry, and their subsidiaries operating in or managed from the territory of Kiribati; establish monitoring mechanisms for the investigation and redress of children's rights violations, with a view to improving accountability and transparency; and undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children in the context of travel and tourism and widely disseminate the global code of ethics for tourism of the World Tourism Organization among travel agents and in the tourism industry.⁵⁸

B. Rights of specific persons or groups

1. Women

50. The Committee on the Elimination of Discrimination against Women recommended that Kiribati ensure that the Women's Development Division of the Ministry of Women, Youth, Sports and Social Affairs had adequate resources to carry out its activities throughout the territory, including the outer islands; that it was provided with technical expertise to develop and implement activities covering all the rights enshrined in the Convention on the Elimination of All Forms of Discrimination against Women across all sectors; and that it had the mandate and the capacity to effectively coordinate women's advancement initiatives, monitoring and impact assessment.⁵⁹

51. The same Committee urged Kiribati: to ensure that cases of women and girls who were victims and survivors of gender-based violence, in particular sexual violence, were promptly investigated, that the accused were prosecuted and that the perpetrators were

adequately punished; to ensure that women and girls who were victims and survivors of violence had timely access to remedies, including legal, medical and psychosocial support and financial compensation; to address issues pertaining to physical and communications accessibility in courts of law, including the unavailability of procedural accommodation in court proceedings, and deprivation of legal capacity on the ground of disability; to ensure that the judiciary, including lay judges, received systematic training on women's rights; and to accelerate the development of the judiciary database to make available data disaggregated by age, sex, disability, crime, punishment, redress and relationship between the perpetrator and the victim.⁶⁰

2. Children

52. The Committee on the Rights of the Child expressed serious concern about: the reportedly high level of abuse of children, in particular domestic violence and violence in school, and the significant underreporting of such cases, including owing to stigma; the reportedly highest rates of violence, sexual exploitation and abuse of girls, including online, in the region, facilitated by traditional gender roles and the low status of girls in society; the absence of child-friendly mechanisms to report abuse and the insufficient awareness among children of existing laws; the lack of standards for child protection service providers and procedures for their registration; the inadequate measures and structures in place to support children who were victims of violence, such as psychological, recovery and reintegration services, and the lack of special court procedures for obtaining evidence from children; and the shortage of specialized child protection personnel to support children who were victims of abuse and neglect.⁶¹

53. The same Committee expressed concern that there was no: specific policy addressing child labour or social programmes aimed at prevention and provision of support for children involved in child labour; hazardous child labour list; or child-specific complaint mechanism to effectively receive, monitor and investigate reports on cases of child exploitation.⁶²

54. The same Committee urged Kiribati: to explicitly prohibit, as a matter of priority, corporal punishment in law in all settings, including in the home, alternative care settings and penal institutions and as a sentence for crime in traditional justice systems, and amend article 226 of the Penal Code to remove the right of "reasonable punishment"; and to provide children with a child-friendly complaint mechanism in all settings to safely and confidentially report teachers and others who used corporal punishment.⁶³

55. The same Committee expressed serious concern that: the youth justice bill had not yet been adopted; the minimum age of criminal responsibility in the current Penal Code remained at 10 years of age; when detained at police stations and detention facilities, children were kept with adults due to the limited facilities available; there were no provisions limiting the duration of pretrial detention; there was a need for further capacity-building and training of professionals involved in the administration of child justice; and there were limited formal diversion options available.⁶⁴

3. Persons with disabilities

56. The Committee on the Rights of Persons with Disabilities requested Kiribati to provide updated information on: existing mechanisms to ensure that persons with disabilities, through their representative organizations, including those on the outer islands, were involved in legislative and policy decision-making processes; constitutional and legislative reviews, undertaken or planned, to harmonize national legislation with the provisions of the Convention on the Rights of Persons with Disabilities; measures taken to strengthen the Disability Inclusive Unit in the Ministry of Women, Youth, Sports and Social Affairs; and measures taken to adopt specific policies, plans and guidelines to promote the use of Kiri-Sign.⁶⁵

57. The Committee on the Rights of the Child expressed concern about: the limited access for children with disabilities to inclusive education, transportation, public spaces, rehabilitation and service delivery in all areas; and the lack of funding and technical support provided to parents and service providers for children with disabilities or the parents of such children.⁶⁶

58. The United Nations country team recommended that Kiribati develop and implement a comprehensive inclusive education policy, including teacher training and accessible infrastructure, and provide specialized support services in mainstream schools to facilitate the inclusion of children with diverse needs.⁶⁷

4. Lesbian, gay, bisexual, transgender and intersex persons

59. The Committee on the Rights of the Child expressed concern about the criminalization of homosexuality and lack of protection of lesbian, gay, bisexual, transgender and intersex children from discrimination, stigma and violence.⁶⁸ It recommended that Kiribati repeal the criminalization of homosexuality and other discriminatory provisions in its legislation, to ensure respect for the rights set forth in the Convention on the Rights of the Child, and take active measures to protect lesbian, gay, bisexual, transgender and intersex children from discrimination, stigma and violence.⁶⁹

5. Refugees and asylum-seekers

60. UNHCR recommended that Kiribati: consider revising national citizenship legislation, drafting national refugee legislation and incorporating international standards relating to asylum-seekers, refugees and stateless persons into law, policy and operational procedures, with the technical and operational support of UNHCR in the process; and undertake capacity-building efforts with relevant government and non-government officials on statelessness and refugee protection matters, with the technical support of UNHCR.⁷⁰

6. Stateless persons

61. UNHCR recommended that Kiribati: introduce additional safeguards to prevent statelessness, including for children born abroad to women nationals of Kiribati, in line with international commitments to eliminate statelessness and ensure non-discrimination in nationality laws; adopt a definition of statelessness in citizenship laws; and include at-risk stateless populations in climate-related measures, such as national preparedness plans and policies designed to mitigate, respond to and adapt to the effects of climate change.⁷¹

62. The Committee on the Rights of the Child recommended that Kiribati: continue its efforts to register all children by, among other measures, establishing a centralized system for birth registration and introducing mobile registration units in the outer islands; raise awareness on, and provide adequate resources for, the efficient functioning of online birth registration and issuance of birth certificates; ensure that all children, including children of unmarried parents, whose father was unknown and who were born outside of hospitals, were properly registered at birth; and speed up the review and amendment of the Citizenship Ordinance of 1979 to prevent statelessness among children, by ensuring that children born abroad or to fathers of foreign nationality could acquire the nationality of Kiribati through their mothers.⁷² The Committee on the Elimination of Discrimination against Women made a similar recommendation.⁷³

Notes

¹ [A/HRC/44/15](#), [A/HRC/44/15/Add.1](#) and [A/HRC/44/2](#).

² [CAT/C/KIR/CO/1](#), para. 36.

³ [CRC/C/KIR/CO/2-4](#), paras. 59 and 60.

⁴ [CAT/C/KIR/CO/1](#), para. 25 (c).

⁵ *Ibid.*, para. 34.

⁶ [CEDAW/C/KIR/CO/1-3](#), para. 55.

⁷ United Nations country team submission for the universal periodic review of Kiribati, para. 8; and UNHCR submission for the universal periodic review of Kiribati, p. 5.

⁸ UNESCO submission for the universal periodic review of Kiribati, para. 18.

⁹ [CAT/C/KIR/CO/1](#), para. 35. See also United Nations country team submission, para. 8.

¹⁰ [CAT/C/KIR/CO/1](#), para. 6.

¹¹ *Ibid.*, paras. 12 and 13.

¹² [CEDAW/C/KIR/CO/1-3](#), para. 12.

¹³ [CRC/C/KIR/CO/2-4](#), para. 7.

- 14 CAT/C/KIR/CO/1, para. 27.
- 15 CRC/C/KIR/CO/2-4, para. 14; and CEDAW/C/KIR/CO/1-3, para. 22. See also United Nations country team submission, para. 9.
- 16 CRC/C/KIR/CO/2-4, para. 64.
- 17 Ibid., para. 12.
- 18 CAT/C/KIR/CO/1, para. 29.
- 19 United Nations country team submission, para. 11.
- 20 CEDAW/C/KIR/CO/1-3, para. 50.
- 21 CRC/C/KIR/CO/2-4, para. 20 (a).
- 22 CAT/C/KIR/CO/1, para. 15.
- 23 Ibid., para. 25 (a) and (b).
- 24 United Nations country team submission, para. 30.
- 25 See <https://www.ohchr.org/en/press-releases/2024/04/kiribati-senior-judge-removal-major-setback-justice-un-expert>.
- 26 CAT/C/KIR/CO/1, para. 9.
- 27 Ibid., para. 30.
- 28 Ibid., para. 23.
- 29 United Nations country team submission, para. 31.
- 30 UNESCO submission, para. 21.
- 31 CRPD/C/KIR/Q/1, para. 17 (a) and (d).
- 32 CEDAW/C/KIR/CO/1-3, para. 26.
- 33 Ibid., para. 34.
- 34 CRPD/C/KIR/Q/1, para. 18.
- 35 CEDAW/C/KIR/CO/1-3, para. 52.
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